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Belarus: Attitude towards homosexuals and lesbians in Belarus; state protection available to non-heterosexuals in Belarus with special attention to Minsk (2000 - 2005)

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Although homosexuality was legalized in Belarus in 1994 (UN Oct. 2004, 43), homophobia is "widespread" (*Country Reports 2004* 28 Feb. 2005, Sec. 5) and "entrenched" in the country (Gay Times 18 July 2005). Homosexuals in Belarus experience "discrimination" and "harassment" (*Country Reports 2004* 28 Feb. 2005, Sec. 5; UN Oct. 2004, 43) and few homosexuals are open about their sexual orientation (ibid.).

According to a report published by the United Nations High Commissioner for Refugees (UNHCR), it is easier to "openly live as a homosexual" in Minsk, than in rural areas and small towns in which homosexuals can "face discrimination by the local population" (ibid.). However, gay life in Belarus remains largely "underground" (GayTimes 18 July 2005). Homosexuals are generally "socially stigmatised" as homosexuality is "frowned upon" by the Belarusian Orthodox Church and by the conservative Belarusian society at large (UN Oct. 2004, 43).

There have been a number of reports of cases of "discrimination" (*Country Reports 2004* 28 Feb. 2005, Sec. 5) and "threats" (ILGA 25 Aug. 2004, ILGCN 26 Sept. 2005) against homosexuals in Belarus. In 2004, Boris Moiseyev, an "openly gay" pop star, had his concert cancelled (*Country Reports 2004* 28 Feb. 2005, Sec. 5). In the same year, an International Moonbow Human Rights and Homo Cultural Festival that was to take place at a nightclub in Minsk was cancelled after the club owner received threatening phone calls from the authorities (ILGA 25 Aug. 2004). Neo-Nazi groups "add[ed] to the threats" and pleaded with the authorities to stop the event, declaring that homosexuality should be "totally exterminated in Belarus" (ibid.). Gays and lesbians proposing events for Minsk have also been "harassed" and "threatened" by the authorities and neo-Nazi groups (ILGCN 26 September 2005).

There have been reports of blocked access to or removal of gay and lesbian Websites in Belarus (Viasna Human Rights Center 11 Feb. 2003; DM Europe 2 Feb. 2005). In 2003, the Website of gays, lesbians, bisexuals and transsexuals (GLBT), APAGAY, was removed from the Belarusian Internet system (Viasna Human Rights Center 11 Feb. 2003). In 2004, access to three Russian gay and lesbian Websites was blocked after the Belarusian National Anti-pornography and Violence Commission "decided that [the sites] contained obscene language

and 'indications of pornography'" (DM Europe 2 Feb. 2005).

In 2005, a television music channel in Belarus denied gays and lesbians the right to post messages on a televised dating chat room (*Country Reports* 2004 28 Feb. 2005, Sec. 5; Global Gayz.com 12 Apr. 2005).

In March 2005, a 21-year-old gay Belarusian sought asylum in the United Kingdom (UK) in order to avoid "persecution" in his homeland (*Daily Express* 24 Mar. 2005; UK Gay News 7 Mar. 2005). The man allegedly "suffered homophobic persecution in Belarus, including beatings, threats and harassment by the police and vigilantes" as a result of his sexual orientation (ibid.). Although the Belarusian won his asylum claim in the UK, he was still being detained in the UK with the possibility of being deported (ibid.). No information on the outcome of this case could be found among the sources consulted by the Research Directorate.

In October 2005, Belarus' democratic opposition party was the target of what is considered "black PR" or "dirty tricks" in Belarus (RFE/RL 14 Oct. 2005): the country's national television stations broadcast images of young people carrying signs stating that members of the gay and lesbian community supported the party (ibid.). Radio Free Europe/Radio Liberty reported that

"while no polling agency has conducted systematic research into the effectiveness of smearing candidates or politicians by either associating them with gay groups or insinuating that they are gay, it is safe to assume that the technique has met with some success" (ibid.).

There are reports of President Lukashenko making negative comments about homosexuals (*Country Reports* 2004 28 Feb. 2005, Sec. 5; ILGA 7 Feb. 2005; Nationwide TV 28 Sept. 2004). While speaking at a National Security Council meeting in 2004, Lukashenko accused the "West" of encouraging drug use and homosexuality in Belarus stating,

"we should show our society very soon ... what they are doing here, how they are feeding our citizens with drugs, how they are disseminating gayness here in Belarus" (Nationwide TV 28 Sept. 2004; ILGA 7 Feb. 2005).

According to the *No-Nonsense Guide to Sexual Diversity*, gay men and lesbians are not allowed to serve in the Belarusian armed forces (Baird 2001,132). A 2004 UNHCR report states that homosexuals are banned from the armed forces during peacetime but are permitted to enlist in wartime as "partially able" (UN Oct. 2004, 43-44). A 2005 BelaPAN news article reported that, according to a high-ranking military official, homosexuals are not banned from the military, and homosexuality is no longer considered a "mental disorder" under the revised *International Classification of Diseases* (BelaPAN 30 Aug. 2005). The Ministry of Health and the Ministry of Defence had previously adopted this list of diseases identifying homosexuality, as well as transsexuality, as a "personality disorder of moderate degree" (UN Oct. 2004, 43).

The Belarusian government does not officially recognize lesbian, gay, bisexual and transgender (LGBT) organizations in the country (UK Gay News 28 Sept. 2005). Members of LGBT groups have had armed militia storm their meetings (ibid.) and have experienced threats (ibid.; ILGA 25 Aug. 2004) and arrests (UK Gay News 28 Sept. 2005). There are also reports of homosexuals

being stopped when trying to cross the border (ibid.; ILGCN 26 Sept. 2005).

Hate crimes against homosexuals are "not uncommon" (UN Oct. 2004, 43). A 2002 Agence France-Presse (AFP) article reported that, over an eighteen-month period, there had been five high profile killings of gays in Minsk, which involved torture (AFP 1 July 2002).

State Protection

According to human rights groups and LGBT organizations, Belarusian authorities are responsible for homophobic threats against gays and lesbians (ILGA 25 Aug. 2004), and "violent discriminatory police policies" remain in the country (ibid. 13 July 2004). Homophobic remarks made by President Lukashenko in 2004 "demonstrated that negative attitudes towards homosexuals existed at the highest levels of government" (*Country Reports 2004* 28 Feb. 2005, Sec. 5).

Homosexuals can be "victims" of harassment and mistreatment by the general population "while the police remain passive and sometimes refuse to protect the rights of persons with different sexual behaviour" (UN Oct 2004, 43).

Belarusian legislation does not provide protection to homosexuals against discrimination and hate crimes motivated by homophobia:

While the Belarusian Constitution forbids discrimination, sexual orientation is not on the list of social characteristics on whose basis discrimination is legally prohibited. Homophobia is not recognized as an independent motive for crimes, as Belarusian legislation contains no laws that refer specifically to perpetrators of crimes motivated by homophobia (ibid.)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral Source: Apagay did not provide information within the time constraints of this Response.

Internet sites, including: Amnesty International- Lesbian, Gay, Bisexual & Transgender Network, Belarusian Helsinki Committee, Center for Gender and Refugee Studies, European Country of Origin Information Network, Freedom House, Gay.ru, Human Rights Watch (HRW), International Gay and Lesbian Human Rights Commission, International Lesbian and Gay Association, Lesbianation, Queer Resources Directory, Rex Wockner's News Service, Viasna Human Rights Center, World Policy Institute.

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